

<b>Interview Summary</b>	Application No.	Applicant(s)	
	10/622,519	CHEREK ET AL.	
	Examiner	Art Unit	
	Damon Conover	2624	

All participants (applicant, applicant's representative, PTO personnel):

(1) Damon Conover. (3) \_\_\_\_\_.

(2) Steven H. Noll, Reg. No. 28,982. (4) \_\_\_\_\_.

Date of Interview: 06 September 2007.

Type: a) ☐ Telephonic b) ☐ Video Conference  
c) ☒ Personal [copy given to: 1) ☐ applicant 2) ☒ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☒ No.  
If Yes, brief description: \_\_\_\_\_.

Claim(s) discussed: 1 and 14.

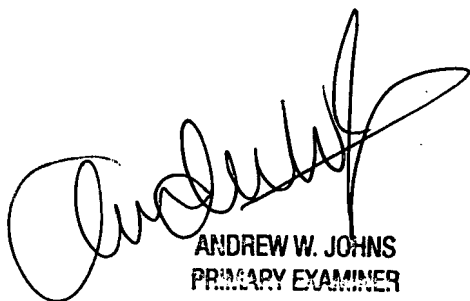
Identification of prior art discussed: Born et al., Baxes, and Kuth et al.

Agreement with respect to the claims f) ☒ was reached. g) ☐ was not reached. h) ☐ N/A.

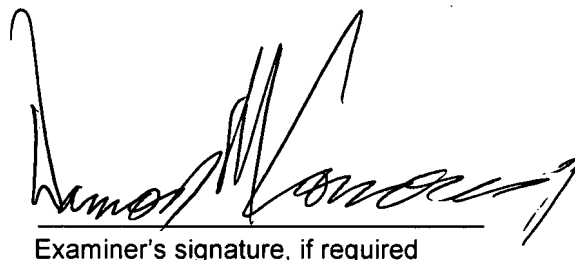
Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: The following language has been identified from the interview agenda: the body region detection makes use of recognizable characteristics of human anatomy. When added to the independent claims, this language appears to overcome the Born et al., Baxes, and Kuth et al. references, but further search and new consideration will be required. If the amendment is filed with a RCE, no first action final rejection will be filed.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

  
ANDREW W. JOHNS  
PRIMARY EXAMINER

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

  
Examiner's signature, if required



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## FACSIMILE TRANSMITTAL SHEET

CLIENT/MATTER NO.: 26965-2968

DATE & TIME: Thursday, August 30, 2007 02:24:26 PM

### TO THE FOLLOWING:

NAME: Examiner Damon M. Conover

COMPANY: USPTO

FACSIMILE NO.: 1 571 273 5448

COMPANY NO.: USPTO

FROM: Steven H. Noll

DIRECT DIAL NO.: 312.258.4972

Including cover sheet, total number of pages = 05

If there are any problems with this transmission, please call 312.258.4972.

### COMMENTS:

AGENDA FOR INTERVIEW

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**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE****AGENDA FOR INTERVIEW**

APPLICANTS: Cherek et al. CONFIRMATION NO.: 4104  
SERIAL NO.: 10/622,519 GROUP ART UNIT: 2624  
FILED: July 18, 2003 EXAMINER: Damon M. Conover  
TITLE: METHOD AND ARRANGEMENT FOR POSITIONING A  
PATIENT IN A MEDICAL DIAGNOSIS OR THERAPY DEVICE

Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

S I R:

At the interview scheduled at the Patent and Trademark Office for September 6, 2007 at 9:00 a.m., Applicants' representative proposes to discuss the following issues.

In the Final Rejection, claims 1, 3, 8, 14, 16 and 21 were rejected under 35 U.S.C. §103(a) as being unpatentable over Born et al., in view of an excerpt from a textbook by Gregory A. Baxes, and in view of Brunner et al. published application and further in view of Kuth et al.

This rejection was substituted for the primary rejection that was made in the previous Office Action, in view of the claim amendments that were made stating that the image recording device acquires an empty image of the patient bed with no patient thereon (as well as an actual image of the bed with the patient thereon) and the empty image is subtracted from the actual image to obtain a subtraction image, that is displayed on a display screen. This subtraction image is then automatically processed in a computer to detect a body region of the patient, and then a suggested scan area in the displayed subtraction image is automatically displayed that covers the aforementioned body region.

In Applicants' previous response, Applicants argued that the Born et al. reference (nor the Kuth et al. reference that was relied on together with the Born et al. reference in the previous rejection) discloses obtaining a subtraction image by subtracting an empty image of the patient bed from the image of a patient on the patient bed. In the Final Rejection in the first full paragraph at page 4, the Examiner agreed that the Born et al. reference does not provide such a teaching, but relied on the Baxes reference as providing general information regarding the technique of subtracting one image from another. The Examiner concluded it would have been obvious to segment the image, as taught by Baxes, before the radio-diagnostic device of Born et al. displays it on a monitor, in order to discriminate between the pixels that form the patient, and the pixels that form the background and the patient bed.

Applicants submit that augmenting the Born et al./Kuth et al. combination that was previously relied on, with the general teachings of Baxes regarding the subtraction technique in image processing, still does not result in the subject matter of either of independent claims 1 and 14 of the present application. Those claims require that a body region be detected by analyzing the subtraction image clearly, in order to achieve such a detection, the analysis must make use of recognizable characteristics of human anatomy, such as "known and statistically determined proportions, " as described at page 9, last line to page 10, first line, of the present specification.

Regardless of whether it is conducted on a subtraction image, the analysis conducted in the Kuth et al. reference is for a completely different purpose, and thus is of a completely different type. It is questionable whether a person of ordinary skill

in the field of image processing would even consider the type of review of the image that is undertaken in the Kuth et al. reference to be an image "analysis." The review of the image that takes place in the Kuth et al. reference is for identifying the position of a marking 18. This of course necessitates the requirement of such a marking being provided at the patient, but this has no reliance whatsoever on human anatomy, much less a detection based on known and statistically determined proportions. In the Kuth et al. reference, it is up to the medical staff or operating personnel to perform a suitable marking. This is in contrast to the subject matter of the present application, wherein manual interaction is to be avoided as much as possible, as explained at page 3, lines 4-8.

Although the Brunner et al. published application was mentioned in the listing of references in the Final Rejection noted above, there was no identification or detailed discussion of the manner by which the Examiner is relying on the Brunner et al. reference in the context of the rejection of claims 1, 3, 8, 14, 16 and 21.

At the interview, if the Examiner agrees that these are relevant distinctions between the subject matter of independent claims 1 and 14 and the teachings of the references cited in the Final Rejection, and if the Examiner believes that such distinctions are not, at the moment, clearly presented in the claims, Applicants would not be adverse to discussing claim amendments that can be made to highlight these features in the claim language.

Submitted by,

*Sta. H. Noll*

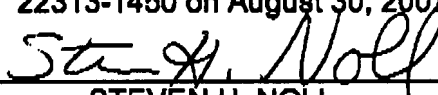
(Reg. 28.982)

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**CERTIFICATE OF TRANSMISSION BY FACSIMILE**

I hereby certify that this correspondence is being telefaxed to Examiner Damon M. Conover at (571) 273-5448 in the United States Patent and Trademark Office, Alexandria, Virginia 22313-1450 on August 30, 2007.



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STEVEN H. NOLL

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